REMARKS

Claims 1-20 stand rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 6,269,382 to Cabrera (hereinafter "Cabrera"). Applicants request that claim 2 be canceled and claims 1, 15, 19, and 20 be amended with the limitations of claim 2 to place the application in condition for allowance. The amendments are fully supported by the specification and introduce no new material to the claims.

Rejections of claims 1-20 as being anticipated by Cabrera

Claims 1-20 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Cabrera. Applicants respectfully traverse this rejection.

With regards to claims 1, 19, and 20, the claims include the limitations of "prespecifying a scanning scope;" and "scanning the managed file system until the scanning scope is reached;" Claim 1. See also claims 19 and 20. The limitations allow the embodiment of the present invention to reduce the impact on managed file system resources during migration by pre-specifying the scanning scope and potentially limiting the migration candidates migrated to remote storage.

In contrast, Cabrera does not teach "prespecifying a scanning scope" and "scanning the managed file system until the scanning scope is reached." Cabrera teaches identifying files that will meet migration criteria in the future. Cabrera, col. 4, lines 51-55. Identifying files in Cabrera is analogous to scanning the managed file system in the embodiment of the present invention. However, the scope for identifying files is not limited in Cabrera as in the embodiment of the present invention.

The Examiner cites the pre-migration files of Cabrera as being the prespecified scanning

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scope of the embodiment of the present invention. Office Action, page 2, line 17 – page 3, line 2. However, the set of pre-migration files of Cabrera is analogous to the selected migration candidates that are selected by scanning the managed file system. The limitation of the embodiment of the present invention is to the files that will be scanned or considered for identification. Cabrera does not limit the files considered for identification. Cabrera, Figure 10, ref. 208. Therefore, Cabrera does not teach all of the limitations of claims 1, 19, and 20 and Applicants assert that claims 1, 19, and 20 are allowable.

With regards to claim 15, the embodiment of the present invention claims "...means for reconciling the managed file system." Claim 15. In contrast, Cabrera teaches recording the location of attributes in a file to maintain coherency between attributes of a migration candidate stored in local and/or remote storage. Cabrera, Figure 7, col. 19, lines 24-65. Cabrera does not teach reconciling the managed file system. Because Cabrera does not disclose "...means for reconciling the managed file system..." Cabrera does not disclose each and every element of the claimed invention. Consequently, Applicants respectful assert that claim 15 is not anticipated by Cabrera and is allowable.

With regards to claims 1, 15, 19, and 20, the claims as amended include limitations of claim 2. Specifically, claims 1, 15, 19, and 20 include the limitations "prespecifying a scanning scope *determined by a number of candidate data files;*" and "scanning the managed file system until *having reached the prespecified number of migration candidate data files;*" Claim 1, italics added to emphasize amendments. See also claims 15, 19, and 20. The amendments do not introduce new matter and place the claims in condition for allowance by further clarifying the

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principle distinction between the embodiment of the present invention and Cabrera.

As amended, claims 1, 15, 19, and 20 are more clearly distinguished from Cabrera. Specifically, claims 1, 15, 19, and 20 as amended define the scanning scope as a number of candidate files. In addition, the claims as amended include the limitation of "scanning the managed file system until having reached the prespecified number of migration candidate data files..." Claim 1. See also claims 15, 19, and 20. The limitations allow the embodiment of the present invention to reduce the impact on managed file system resources during migration by limiting the scope to the number of candidate files.

In contrast, Cabrera does not teach "prespecifying a scanning scope determined by a number of candidate data files;" and "scanning the managed file system until having reached the prespecified number of migration candidate data files;" Claim 1. Instead, Cabrera teaches identifying pre-migration files using various factors and pre-migrating attributes of files. Cabrera, col. 14, line 5 – col. 15, line 25. Therefore, Applicants assert that claims 1, 15, 19, and 20 are allowable as Cabrera does not disclose all of the limitations of claims 1, 15, 19, and 20 as amended.

As a result of the presented remarks, Applicants assert that independent claims 1, 15, 19, 20 are in condition for prompt allowance. Applicants have not specifically traversed the rejections of dependent claims 2-14 and 16-18 under 35 U.S.C. § 102(e), but believe those claims to be allowable for depending from allowable claims. See, *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).

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Should additional information be required regarding the traversal of the rejections of the

dependent claims enumerated above, Examiner is respectfully asked to notify Applicants of such

need. If any impediments to the prompt allowance of the claims can be resolved by a telephone

conversation, the Examiner is respectfully requested to contact the undersigned.

Respectfully submitted,

Brian C. Kunzler
Reg. No. 38,527
Attorney for Applicant

Date: November 21, 2005
8 East Broadway, Suite 600
Salt Lake City, UT 84111
Telephone (801) 994-4646
Fax (801) 322-105

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